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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3397 OF 2006

Mr.Anil Dattatray Shivalkar .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.V.R.Ranadive for applicant

Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 20th September 2006

P.C.

. The applicant is arrested on 25th July 2006 in C.R.No.80 of 2005 registered with G.B.C.B., C.I.D. for alleged offences of

criminal breach of trust, cheating and forgery.

2. The applicant is a Government Servant and is posted at Mantralaya in the Chief Minister's Secretariat.

3. The complainant has stated that his associates had pointed out that there is one plot at Gorai village, Borivali (West) bearing No.266-A, Survey No.25 which is vacant. That is the property of the Maharashtra Housing and Area Development Authority. The allegation is that this plot was allotted to one proposed Cooperative Housing Society and the same was to be developed. That proposal was put to one Rasik Walia. He forwarded the said proposal to the complainant and one Rasik Hingu. Thereafter meetings were held and the Chief Promoter was present at the said meetings. The developers and their business associates, thereafter, finalised the development proposal. The interested parties visited the plot and verified the facts as stated

to them. Thereafter, they attended the Chief Minister's Secretariat wherein the applicant has invited their attention to the entries in the computer pertaining to the said plot and its allotment.

4. It is alleged that thereafter certain amounts were paid and some meetings were held including with the applicant. It appears that there was some agreement and a sum of Rs.50 lakhs was paid to the Chief Promoter.

5. After perusing the statement of the complainant and the application so also the annexures thereto, it appears that, all that is alleged insofar as the applicant is concerned is that he is an employee of the State of Maharashtra and posted in the Chief Minister's Secretariat, he gave information pertaining to the said plot from computerised record. Although, investigations are going on, there is no apprehension that the applicant will not

cooperate with the same. Applicant is permanent resident of Mumbai and has no antecedents. Co-accused are already released on bail. In such circumstances, the applicant is enlarged on bail on the following conditions.

i) The applicant arrested in connection with C.R.No.80 of 2005 registered with G.B.C.B, C.I.D., Mumbai shall be enlarged on bail in the sum of Rs.10,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will remain present before the concerned investigating officer, G.B.C.B., C.I.D., Mumbai once in a week till the charge sheet is filed and thereafter, to abide by the directions of the trial court.

iii) The order of bail will be given

effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of

bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)